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02/05/02

j10117 U.S. PTO  
10/068117  
02/05/02

- 
- The musical score for 'The Rose Tree' is presented in two systems. The first system contains the first four measures of the melody, and the second system contains the next four measures. The melody is written in a single staff with a treble clef and a key signature of one flat (B-flat). The time signature is 4/4. The melody is a simple, folk-like tune. The lyrics 'The Rose Tree' are written below the first system, and 'The Rose Tree' is written below the second system.

2.   X   Specification (including Claims and Abstract) [Total Pages 32]

3.        Drawings (   informal /    formal) [Total Sheets   ]

4.        Oath or Declaration

    a.        Newly-executed

    b.        Copy from a prior application (37 C.F.R. § 1.63(d))

5.        Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6.        This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

    a.        ***DELETE*** the following inventor(s) named in the prior nonprovisional application:

        \_\_\_\_\_

        \_\_\_\_\_

    b.        The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

**Susan Shepherd**  
(Type or print name of person mailing paper)

Susan Shepherd  
(Signature of person mailing paper)

## 7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment is attached.
- b. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c. ☐ Please amend the specification by inserting before the first line the following sentence:
- "This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending application(s) serial number \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_."
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a. ☐ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

## 9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	25 -20 =	5	x 18.00	90.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	3 -3 =	0	x 84.00	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			280.00	-
BASIC FEE (37 C.F.R. § 1.16(a))				740.00
TOTAL OF ABOVE CALCULATIONS				830.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				-
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				-
TOTAL				830.00

10. ☒ A check in the amount of \$ 830.00 is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

13. ☐ An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a. ☐ Form PTO/SB/08 (☐ sheet(s))

b. ☐ Copies of references cited

14. ☐ Certified copy of priority document(s)

15. ☐ Nonpublication Request Under 37 C.F.R. § 1.213(a)

16. ☐ Request for Early Publication Under 37 C.F.R. § 1.219

17. ☒ Return Receipt Postcard

18. ☐ Other: \_\_\_\_\_

19. ☒ An Assignment of the invention to Wacker Silicones Corporation  
having an address of 3301 Sutton Road, Adrian, Michigan 49221-9397

a. ☐ is attached.

b. ☒ was recorded on June 28, 1999 at Reel 010066, Frame 0457.

c. ☐ Applicant requests that the above assignee information be published with the application.

20. The power of attorney in the prior application is to:

<u>Michael S. Brodbine</u>	<u>38,392</u>
Name of Attorney of Record	Reg. No.

☒ The power appears in the original papers in the prior application.

☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_.

☐ A new power has been executed and is attached.


21. Correspondence Address: Please address all future communications to:

Michael S. Brodbine,  
Brooks & Kushman P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1351  
Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

James D. Greene

Date February 5, 2002

  
Name: Michael S. Brodbine  
Registration No.: 38,392

☒ Attorney or agent of record  
☐ Filed under Rule 34(a)